## The Minutes

#### February 2, 2004

C039147 THE PEOPLE v. SCHMIDT (Not for Publication)

The judgment of conviction is affirmed. The matter is remanded for resentencing in a manner consistent with this opinion. The trial court is also directed to correct the abstract of judgment as set forth above.

DAVIS, J.

We concur: Scotland, P.J

Hull. J.

C041930 THE PEOPLE v. SORZANO (Not for Publication)

The appeal is dismissed.

BUTZ, J.

We concur: Davis, Acting P.J.

Raye, J.

C042876 THE PEOPLE v. SMITH (Certified for Partial Publication)

The enhancement for use of a firearm imposed on count III, a violation of Penal Code section 246, is stricken. The superior court is directed to prepare an amended abstract of judgment reflecting this modification and forward a copy thereof to the Department of Corrections. In all other respects, the judgment is affirmed.

SIMS, J.

We concur: Scotland, P.J.

Nicholson, J.

C043965 THE PEOPLE v. SILVA (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Sims, Acting P.J.

Morrison, J.

C044287 THE PEOPLE v. WINSTEAD (Not for Publication)

The judgment is affirmed.

BUTZ, J.

We concur: Blease, Acting P.J.

Hull, J.

C044492 THE PEOPLE v. CRESS (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Rave, J.

Morrison, J.

#### The Minutes

#### February 2, 2004, continued

## C043029 STANISLAUS COUNTY SHERIFF'S DEPARTMENT v. MACK and INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL NO. 3

(Not for Publication)

The judgment confirming the arbitration award is affirmed.

RAYE, J.

We concur: Blease, Acting P.J.

Hull, J.

# CO45564 CRUME v. THE SUPERIOR COURT OF YOLO COUNTY and THE PEOPLE CRUME v. THE SUPERIOR COURT OF YOLO COUNTY and THE PEOPLE BY THE COURT:

On the court's own motion, the above cases are consolidated. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

BLEASE, Acting P.J.

## **February 3, 2004**

C041285 THE PEOPLE v. NOLEN (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Blease, Acting P.J.

Nicholson, J.

C042239 THE PEOPLE v. VILLEGAS (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Scotland, P.J.

Robie, J.

C043304 THE PEOPLE v. HARBRIDGE (Not for Publication)

The judgment is affirmed. The trial court is directed to correct the minutes to reflect that defendant also admitted a great bodily injury enhancement.

(§12022.7, subd. (e).)

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

## The Minutes

#### February 3, 2004, continued

C043563 THE PEOPLE v. CUTRER (Not for Publication)

The judgment is affirmed. The trial court is directed to correct the abstract of judgment as follows:...

... The trial court shall forward a certified copy of the corrected abstract of judgment to the Department of Corrections.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

C043987 THE PEOPLE v. PHILLIPS (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

C044067 THE PEOPLE v. COMPTON (Not for Publication)

The abstract of judgment is modified... As modified, the judgment is

affirmed.

HULL, J.

We concur: Sims, Acting P.J.

Morrison, J.

C044109 THE PEOPLE v. THOLMER (Not for Publication)

The appeal is dismissed.

ROBIE, J.

We concur: Blease, Acting P.J.

Raye, J.

C044673 THE PEOPLE v. PAYNE (Not for Publication)

The trial court is directed to prepare a corrected abstract of judgment reflecting that the trial court ordered AIDS testing (§ 1202.1) and that the court imposed a \$600 fine pursuant to section 290.3 (including related fees and assessments). The court is further directed to forward a certified copy of the corrected abstract to the Department of Corrections. The judgment is affirmed.

ROBIE, J.

We concur: Blease, Acting P.J.

Raye, J.

## The Minutes

#### February 3, 2004, continued

## C044741 THE PEOPLE v. GUTIERREZ (Not for Publication)

The judgment is modified... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.

HULL, J.

We concur: Davis, Acting P.J.

Butz, J.

## C043107 SCHWARTZ et al. v. DEBBER et al. (Not for Publication)

The judgment (order) striking the complaint as to Paul Schwartz is affirmed. The judgment (order) striking the complaint as to Ann Schwartz is reversed. Ann Schwartz shall be awarded her costs on appeal.

BLEASE, Acting P.J.

We concur: Morrison, J.

Robie, J.

## C044028 In re I.G. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. KATIE V. (Not for Publication)

The order terminating appellant's parental rights is affirmed.

HULL, J.

We concur: Sims, Acting P.J.

Morrison, J.

## February 4, 2004

#### C041781 THE PEOPLE v. RAY (Not for Publication)

The judgment is modified... As so modified, the judgment is affirmed. The trial court shall forward a certified copy of the corrected abstract to the Department of Corrections.

SIMS, Acting P.J.

We concur: Davis, J.

Hull, J.

## C043221 THE PEOPLE v. DURAN, JR. (Not for Publication)

The judgment is modified... In all other aspects, the judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

## The Minutes

## February 4, 2004, continued

C043255 THE PEOPLE v. CARPENTER (Not for Publication)

The trial court is directed to prepare an amended abstract of judgment...

In all other respects, the judgment is affirmed.

SIMS, Acting P.J.

We concur: Scotland, P.J.

Butz, J.

C043638 THE PEOPLE v. SMITH (Not for Publication)

The judgment is reversed, and the matter is remanded to the trial court to allow defendant to withdraw his guilty plea. If defendant so moves, the trial court must grant his motion. If defendant does not move to withdraw his guilty plea within 60 days of the filing of the remittitur in the trial court, the trial court shall

reinstate the judgment.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

C043767 THE PEOPLE v. MONTES (Not for Publication)

The judgment is affirmed.

DAVIS. J.

We concur: Scotland, P.J.

Sims, J.

C044789 THE PEOPLE v. EDWARDS (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

C044792 THE PEOPLE v. SMITH (Not for Publication)

The judgment is affirmed. If the aforementioned fine has not been paid, the trial court is directed to prepare an amended abstract... and to forward a certified copy of the amended abstract to the Department of Corrections.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

## The Minutes

## February 4, 2004, continued

CO42189 CASANOVA v. STATE PERSONNEL BOARD et al. and HELMICK, as Commissioner, etc. (Not for Publication)

THE COURT:

It is ordered that the opinion filed in this case on January 28, 2004, be modified...

... This modification does not change the judgment.

FOR THE COURT:

SCOTLAND, P.J.

Raye, J. Hull, J.

C044055 In re MARTIN A.; THE PEOPLE v. MARTIN A.

(Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.

Butz, J.

## **February 5, 2004**

C040386 THE PEOPLE v. MORRIS (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.

Davis, J.

C040892 THE PEOPLE v. VANEK (Not for Publication)

The judgment is affirmed.

HULL, J.

We concur: Blease, Acting P.J.

Sims, J.

C041648 THE PEOPLE v. ALLARD (Not for Publication)

We reverse the judgment and remand the case to the trial court with directions to hold a hearing at which the defendant may present his reasons for requesting appointment of new counsel. If the trial court determines that good cause for appointment of new counsel has been shown, it shall appoint new counsel and conduct further proceedings. If no good cause is established, it shall reinstate the judgment.

HULL, J.

We concur: Davis, Acting P.J.

Nicholson, J.

#### The Minutes

## February 5, 2004, continued

C042470 THE PEOPLE v. DAMPIER (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Blease, J.

Raye, J.

C044124 THE PEOPLE v. McNABB, JR. (Not for Publication)

The trial court is directed to prepare a corrected abstract of judgment to reflect a concurrent midterm of four years for burglary in case No. 2724 and to forward a certified copy to the Department of Corrections. The judgment is affirmed.

HULL, J.

We concur: Davis, Acting P.J.

Butz, J.

C042302 SOUTH COUNTY CITIZENS FOR RESPONSIBLE GROWTH et al. v. CITY OF ELK GROVE and M&H PROPERTY MANAGEMENT, INC., et al.

C042302 THE PEOPLE ex rel. DEPARTMENT OF CONSERVATION et al. v. CITY OF ELK GROVE and M&H REALTY PARTNERS III et al.

(Not for Publication)

The judgment is reversed, and the matter is remanded to the trial court with directions to enter a judgment consistent with the holdings of this opinion. The parties shall near their own costs on appeal. (Cal. Rules of Court, rule 27(a).)

SCOTLAND, P.J.

I concur: Davis, J.

I concur in the opinion except as to section II of the Discussion, Loss of Agricultural Land, to which I dissent...

... I would thus reverse the trial court's ruling on this issue.

Nicholson, J.

C042800 CALIFORNIA MEDICAL ASSOCIATION, INC. v. ZINGALE, as Director, etc., et al. (Not for Publication)

The order awarding attorney fees is reversed. The Department shall recover its costs on appeal.

MORRISON, J.

We concur: Hull, J.

Robie, J.

## The Minutes

## February 5, 2004, continued

## C041288 In re CHARLES G.; THE PEOPLE v. CHARLES G.

(Certified for Publication)

Having decided the issues on the merits because they are likely to recur, we dismiss the appeal as moot.

SCOTLAND, P.J.

We concur: Raye, J.

Morrison, J.

## C041292 In re ROBERT M.; THE PEOPLE v. ROBERT M.

(Not for Publication)

Having decided the issues on the merits because they are likely to recur, we dismiss the appeal as moot.

SCOTLAND, P.J.

We concur: Raye, J.

Morrison, J.

## C040754 THE PEOPLE v. BRENDLIN

BY THE COURT:

Respondent's petition for rehearing is denied.

SCOTLAND, P.J.

## February 6, 2004

## C038291 THE PEOPLE v. OLIVO (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Scotland, P.J.

Davis, J.

## C040869 THOUSAND TRAILS, INC., et al. v. BROWN SANDS, INC., et al.

(Not for Publication)

The judgment is affirmed. Sand shall recover costs on appeal.

RAYE, J.

We concur: Blease, Acting P.J.

Hull, J.